



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

John Kinney  
1764 Susan Place NW  
Bainbridge Island WA 98110

In Re Compliance with RCW 42.17A

John Kinney

Respondent.

PDC Case No. 13-188

Findings of Fact,  
Conclusions of Law, and  
Order

A brief enforcement hearing (brief adjudicative proceeding) was held September 10, 2013, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether the Respondent violated RCW 42.17A.205 by failing to timely file a Candidate Registration (C-1 report) within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was originally sent to John Kinney on July 18, 2013, but staff was not able to have Mr. Kinney participate by telephone at the hearing, so the matter was held over to the next available brief enforcement hearing date.

An amended brief enforcement hearing notice was sent to Mr. Kinney on August 23, 2013. Commission Chair Amit Ranade was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent did not participate at the hearing or submit any written materials.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is an incumbent Parks and Recreation Commissioner for the Bainbridge Island Park and Recreation District, having been appointed to that position in 2012. He is a candidate seeking election to that office in 2013.

2. As a candidate, the Respondent was required to file an F-1 report within two weeks of the date the Respondent filed a declaration of candidacy, or no later than May 31, 2013.
3. The Respondent filed the missing C-1 report on August 9, 2013, prior to the hearing, along with a completed Statement of Understanding, but included no penalty payment.
4. The Respondent has no prior violations.
5. The Respondent attempted to file the C-1 report electronically, but experienced filing difficulties and failed to turn in the required C-1 signature authorization form and password.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.205 by failing to timely file the C-1 report, which was due to be filed no later than May 31, 2013.

#### ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

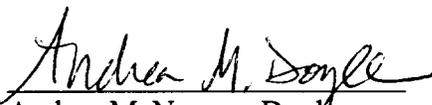
**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$100 in accordance with the penalty schedule set forth in WAC 390-37-165, of which \$50 is suspended based on the following conditions:**

1. **The Respondent is not found to have committed any further violations of RCW 42.17A within two years of the date of this order; and**
2. **The \$50 non-suspended portion of the penalty is paid within 30 days of the date of this order.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 21<sup>st</sup> day of September, 2013.

Public Disclosure Commission

  
Andrea McNamara Doyle  
Executive Director

Findings, Conclusions & Order

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Enclosure: Information about Appeal Rights

I, J Barkley, certify that I mailed a copy of this order to the Respondent(s) at his/her/its respective address, postage pre-paid, on the date stated herein.

  
Signed

9/27/13  
Date